

SENATE BILL 1614  
By Henry

AN ACT to amend Tennessee Code Annotated, Title 13, relative to protecting the rights of citizens to keep medically recommended aids, devices and other enhancements.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. As used in this act, unless the context requires otherwise:

(1) "Senior citizen" means a person sixty-two (62) years of age or over and shall include a surviving spouse if that surviving spouse is fifty-five (55) years of age or over;

(2) "Senior citizen housing" means any building or structure, and any land appurtenant thereto, in or upon which dwelling units are rented by or resided in by, or available to be rented by or resided in by, senior citizens; except that, it shall not include any health care facility as defined in Tennessee Code Annotated, Section 68-11-102;

(3) "Medical device or aid" means any instrument or machine which has been shown by medical research or has been recommended by a physician to be important in the prevention, treatment or rehabilitation of medical ailments and medical conditions. Such medical devices or aids shall include, but not be limited to, wheelchairs, walkers, canes, lifts; monitoring equipment, air flotation mattresses, exercise or traction equipment, and breathing devices;

(4) "Landlord" means, in the case of senior citizen housing in which dwelling units are rented or offered for rent under either a written or oral lease, the person or persons who own or purport to own the building, structure or complex of buildings or

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structures in which those rental dwelling units are situated. In the case of senior citizen housing that is organized or operated as a planned real estate development, landlord means the governing board or body of that development;

(5) "Planned real estate development" means any real property situated within the state, whether contiguous or not, which consists of, or will consist of, separately owned areas, irrespective of form, be it lots, parcels, units, or interest, and which are offered or disposed of pursuant to a common promotional plan, and providing for common or shared elements or interests in real property. It shall include, but not be limited to any form of homeowners' association, any housing cooperative or any community trust or other trust device; and

(6) "Medical companions" means assisted living caretakers, nurses, nurses aides, household pets, and other such companions;

(7) "Continuing nuisance" means the keeping of a medical device, aid or companion in a manner which interferes with the health, security and comfort of other residents of the senior citizen housing.

SECTION 2. No landlord of any senior citizen housing may:

(1) As a condition of tenancy or otherwise, prohibit or prevent any senior citizen in such housing from using or owning medical devices, aids or companions in the dwelling accommodations of such senior citizen in such housing; or

(2) Restrict or discriminate against any senior citizen in connection with admission to, or continued occupancy of, such housing by reason of the ownership or use of a medical aid, device or companion.

SECTION 3. (a)(1) A landlord shall not arbitrarily refuse to rent, lease, or renew a lease for a dwelling unit in senior citizen housing to any senior citizen who owns or uses a medical aid, device or companion in the dwelling accommodations of such senior citizen.

(2) Any landlord who so refuses to rent, lease, or renew any such lease shall be subject to a civil penalty of not less than five-hundred dollars (\$500) for each offense, recoverable by the senior citizen who is so refused in a civil action in any court having competent jurisdiction thereof.

(b) A landlord shall not require any senior citizen who resides in senior citizen housing to remove, by sale, donation, gift, or otherwise, any medical aid, device or companion in the dwelling accommodations in accordance with the provisions of this act, except as provided in Section 6 of this act.

SECTION 4. (a) A landlord who is in compliance with the provisions of this act shall not be liable to respond in damages in any civil action for injury to persons or property caused by a medical aid, device or companion in the dwelling accommodations by a senior citizen who is in compliance with the provisions of this act.

(b) Nothing in this section shall grant the landlord immunity for a willful or wanton act of commission or omission.

SECTION 5. A landlord may refuse to renew a senior citizen's lease for a dwelling unit in senior citizen housing or may require that a senior citizen remove, by senior citizen's choice of sale, donation, gift, or otherwise, a medical aid, device or companion in the senior citizen housing when the existence of a medical aid, device or companion or the senior citizen's refusal to comply with the rules and regulations governing constitutes a violation of federal, state or local building, health or use codes.

SECTION 6. A landlord shall have the right to promulgate reasonable written rules and regulations, in accordance with the provisions of this act. All such rules and regulations shall be in accordance with generally recognized standards for maintenance, care, and the rights of others, and shall be transmitted, in writing to the residents, and prospective residents, of each dwelling unit in the senior citizen housing, and shall be incorporated within each lease upon its issuance or subsequent renewal, or within the master deed and bylaws, as the case may be.

SECTION 7. This act shall take effect July 1, 1997, the public welfare requiring it.

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